

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAUREL PARK COMMUNITY, LLC, a
Washington limited liability company, et
al.,

Plaintiff,

v.

CITY OF TUMWATER, a municipal
corporation,

Defendant.

CASE NO. C09-5312BHS

ORDER REQUESTING
AMENDED BRIEFING AND
DENYING MOTION FOR
NEW CASE SCHEDULE

This matter comes before the Court on the parties' letters (Dkts. 53, 54) and Plaintiff's motion to establish a new case schedule (Dkt. 55). The Court has considered these documents and the remainder of the case file and hereby orders the parties to submit amended briefing on their cross motions for summary judgment, requests the parties to submit a proposed trial date from which a case schedule will be made, and denies the motion to establish a new case schedule as moot for the reasons stated herein.

I. DISCUSSION

On May 19, 2010, the Court ordered a stay in this matter pending the outcome of the Ninth Circuit's *en banc* decision in *Guggenheim v. City of Goleta*, __ F.3d __, 2010 WL 5174984 (9th Cir. 2010), which has now been decided.

On January 11, 2011, the parties submitted letters to the Court requesting permission to supplement their prior cross-motions for summary judgment in order to

1 address the impact of *Guggenheim* on this case. Dkts. 53, 54. On February 4, 2011,
2 Plaintiff submitted a motion to establish a case schedule. Dkt. 55.

3 Based on the foregoing, the Court orders the parties to submit amended briefing on
4 summary judgment that incorporates the *Guggenheim* decision and its impact, if any, on
5 this case. The parties shall file their respective opening briefs¹ on March 4, 2011. Those
6 briefs shall be noted for consideration in accord with the rules of this Court, which will
7 permit time for the parties to file responsive pleadings.


8 The Court also requests that the parties agree to and submit a few proposed trial
9 dates to the Court. The Court will then select an available date and provide a case
10 schedule.

11 II. ORDER

12 Therefore, it is hereby **ORDERED** that

- 13 (1) the parties shall **SUBMIT** amended briefing on their summary judgment
14 motions and **PROPOSE** potential trial dates; and
15
16 (2) Plaintiff's motion to establish case schedule is **DENIED as moot** for the
17 reasons discussed herein.

18 DATED this 8th day of February, 2011.

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20 
21 BENJAMIN H. SETTLE
22 United States District Judge
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26 ¹The Court presumes the parties wish to continue with their cross-motions. However, if
27 the parties wish to file one set of briefing (i.e., opening, response, reply), the parties may agree to
28 such a course of action.